

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 14406US03)

In the Application of:)
R.L. Mahany, et al.)
Serial No.: 10/657,595) **CERTIFICATE OF TRANSMISSION**
Filed: Sept. 8, 2003) I hereby certify that this
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Examiner: T.R. Peyton) /Shawn L. Peterson/
Group Art Unit: 2182) Shawn L. Peterson
Conf. No.: 5619) Reg. No. 44,286
Customer. No.: 23446)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

MS: Issue Fee
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper responds to the Examiner's statement of allowable subject matter set forth in the Detailed Action that accompanied allowance of this case. The Detailed Action provides that claims 34 and 42-92 are allowable.

To the extent that the Examiner's statement suggests or states that certain limitations not found in the prior art are present in each and every claim (whether or not specific language to that effect is actually found in every claim), Applicants note that the record as a whole, namely, the actual claim language, supplements the Examiner's statement. More specifically, for

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example, the Examiner's statement may imply that the limitations of claim 42 are found in each of claims 34 and 43-92, when in fact that is not the case.

The Applicants believe that the Examiner's statement may imply that independent claims 34, 43 and 52, and all claims depending therefrom, are also only allowable for the reasons set forth in the Detailed Action. However, the Examiner's reasons do not specifically address the limitations of independent claims 34, 43 and 52, and do not discuss any of the other elements of the claimed subject matter, in particular those additional elements recited by independent claims 34, 43 and 52, many of which the Applicants believe are also not found in the prior art and render each of claims 34, 43 and 52 independently allowable.

Moreover, Applicants believe that the Examiner's statement may imply that the dependent claims are also allowable only for the reasons set forth in the Detailed Action. However, the Examiner's reasons do not discuss any of the other elements of the claimed subject matter, in particular those additional elements recited by dependent claims 44-51 and 53-92, all of which Applicants believe are also not found in the prior art and render the dependent claims independently allowable.

Accordingly, Applicants interpret the Examiner's statement to be a statement of only one reason for allowance of the claims, and that other reasons also exist for allowance of the claims, such as, for example, those set forth more completely in the record as a whole. This interpretation is consistent with MPEP § 1302.14, which states that any statement of reasons for allowance “[i]s not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not be written to specifically or impliedly state all the reasons for allowance are set forth.”

If the Examiner disagrees with Applicants' interpretation, Applicants respectfully request that, prior to issuance, the Examiner withdraw the existing statement of reasons for allowance and simply rely on the record as a whole, or clarify the existing statement of reasons for allowance.

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If the Examiner has any questions, or if Applicants can be of any assistance, the Examiner is invited and encouraged to contact Applicants' representative at the telephone number below.

The Commissioner is hereby authorized to charge any other fees required by this submission, or credit any overpayment, to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: February 18, 2009

Respectfully submitted,

/Shawn L. Peterson/
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